IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 1380 OF 2003

IN

INCOME TAX APPEAL (L) NO. 386 OF 2003

Commissioner of Income-tax
Mumbai City-XII .. Appellant

V/s

M/s Jolly Maker-I Premises Co-op.
Housing Society Ltd. .. Respondents

Mr.A.S. Rao for the Appellant.

None for the Respondents.

CORAM : H.L. GOKHALE & J.P. DEVADHAR, JJ.

DATE : 20TH NOVEMBER 2006

P.C. :

1. Heard Mr.Rao in support of this motion. None appears for the Respondent.

2. Motion seeks condonation of delay of 359 days in filing the appeal. The ground given in the supporting affidavit is restructuring of the department. We accept such explanation quite often. However, 259 days is not a delay which for any reason could be explained on any such ground. Motion is rejected. Consequently, the appeal will also stand dismissed.

(H.L. GOKHALE, J.)

(J.P. DEVADHAR J.)